

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

MAY 19, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR & SPECIAL MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:32 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BRAGG, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
No. of cases: 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: IBRDA v. Sides, Case No. 37-2010-00075462-CU-EI-SC

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m. and he reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

MAYOR PRO TEM KING recused himself from discussion on the Closed Session item relating to IBRDA v. Sides due to an indirect conflict of interest.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy, Rose
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG reported on the Relay for Life Event that took place May 15 and 16, and thanked Michelle Guern for organizing a City team; and she announced the Fleet Reserve, American Legion and VFW will host an annual Memorial Day Ceremony at Veterans Park on May 31.

COUNCILMEMBER ROSE also spoke about the Relay for Life Event.

MAYOR PRO TEM KING reported on his attendance at a Binational Mayor's Conference he attended with Councilmember McCoy, the recent Business Improvement District meeting, and the ribbon cutting ceremonies of three new businesses in Imperial Beach.

MAYOR JANNEY spoke about a SANDAG meeting where there was a discussion on SB 375; and he announced the Loews Coronado Bay Resort Surf Dog Competition is scheduled for May 22 at Dunes Park, and the release of the movie Marmaduke will take place in the evening.

COUNCILMEMBER MCCOY announced her attendance at the grand opening of the City of Coronado's Animal Shelter.

MAYOR PRO TEM KING announced the Kiwanis Club will host a wine tasting event on May 14.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced staff participated in a discussion on sea level rise and would forward information received to City Council; and he announced a similar discussion will take place at the Estuary in June.

PUBLIC COMMENT

LINDA D. ACUNA requested the City place a handicap space in front of her house due to the need of her parents.

MAYOR JANNEY referred the matter to the City Manager.

ALFONSO LOPEZ spoke in support for smoke-free outdoor dining in IB.

COUNCILMEMBER ROSE stated a nonprofit organization met with the Chamber of Commerce and is conducting a survey of restaurants in town regarding this matter.

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY announced Roy and Carole Jungkurth, who were not in attendance, were this month's recipient of the Recycle All-Star Award certificates, other premiums, and \$100 check from EDCO.

CONSENT CALENDAR (2.1 - 2.4)

COUNCILMEMBER BRAGG requested the public receive advanced notice of the meeting change from June 16 to June 15.

MOTION BY MCCOY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of April 7 and May 4, 2010, and the Workshop Meeting of May 11, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70715 through 70918 with the subtotal amount of \$3,289,242.03, Payroll Checks 42454 through 42510 for the pay period ending 04/08/10 with the subtotal amount of \$155,970.41 and Payroll Checks 42511 through 42560 for the pay period ending 04/22/10 with the subtotal amount of \$147,072.85, for a total amount of \$3,592,285.29

2.3 ADMINISTRATIVE COASTAL PERMIT (ACP 090040) AND CERTIFICATE OF COMPLIANCE/BOUNDARY ADJUSTMENT (COC 090041) FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AND BOUNDARY ADJUSTMENT LOCATED AT 1194 CONNECTICUT STREET IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1030. (0600-20)

Accepted the right-of-way dedication as shown on Parcel Map No. 090041 and approve the recordation of the map and associated documentation.

2.4 CANCELLATION OF THE JUNE 16, 2010 CITY COUNCIL MEETING AND HOLDING A REGULAR MEETING ON TUESDAY, JUNE 15, 2010. (0410-05)

The City Council canceled the June 16, 2010 City Council meeting and scheduled a Regular Meeting for Tuesday, June 15, 2010 at 6:00 p.m. in the Council Chambers.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1104 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES. (0390-95)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON gave a report on the item.

No speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1104.

CITY CLERK HALD read the title of Ordinance No. 2010-1104, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES.”

MOTION BY BRAGG, SECOND BY ROSE, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1104 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1103 – ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2011. (0830-95)

CITY MANAGER BROWN introduced the item and noted that without the increase in rates, the fund would be in a deficit.

In response to questions of Council, PUBLIC WORKS DIRECTOR LEVIEN stated the cost increase covers the bills that the City of San Diego charges the City of Imperial Beach for processing costs and improvements made to the sewer system.

COUNCILMEMBER MCCOY, the City’s representative on the Metro Commission, stated rates will most likely increase in the future due to the need for new infrastructure; and noted that cost increases are driven by the City of San Diego.

MAYOR JANNEY expressed concern about an outside entity imposing cost increases on the City of Imperial Beach; he questioned the 19% increase; he encouraged staff to be vigilant of costs and to ensure that costs are justified.

COUNCILMEMBER MCCOY stated she would bring up concerns raised at the next Metro meeting.

No speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1103.

CITY CLERK HALD read the title of Ordinance No. 2010-1103, "An Ordinance of the City Council of the City of Imperial Beach, California, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES – DESIGNATED."

MOTION BY KING, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2010-1103 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2010-6887 – ADOPTION OF TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2011-2015. (0680-80)

A revised staff report, resolution, and Attachment 2 reflecting Attachment 2 was Exhibit A to Resolution No. 2010-6887 were submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

No discussion.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

CITY ATTORNEY LYON announced Mayor Janney and Mayor Pro Tem King both own property within proximity to projects listed for FY 2011 and Councilmember Rose owns property within proximity to projects listed for FY 2015 and, therefore, the vote will reflect those Councilmembers were disqualified in those fiscal years.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6887 – ADOPTING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2011-2015; TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SUBMIT RESOLUTION NO. 2010-6887 TO SANDAG; AND APPROVE THE RTIP PROJECTS BEING ADDED TO AND INCLUDED IN THE CITY OF IMPERIAL BEACH ADOPTED 5-YEAR CIP. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEAR 2011:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	KING, JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

WITH REGARD TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEAR 2015:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	ROSE (DUE TO A POTENTIAL CONFLICT OF INTEREST)

REPORTS (6.1 - 6.5)

6.1 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of her former employment and left Council Chambers at 6:41 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave an update report on the Seacoast Inn project, noting the tasks that have been completed to date.

ALLISON ROLFE, Project Manager, provided and reviewed an updated project schedule; she noted that the following tasks are linked together and are still pending: Citibank's issuance of a subordination agreement, the recordation of the final map and the submittal of all documentation to the Coastal Commission necessary for approval of prior conditions.

ASH ISRANI, owner of Pacifica Host Hotels, continued by explaining that the items are still pending because Citibank is refusing to sign the final map until the mortgage is paid off; he reported that there are three banks who have expressed interest in financing the project and he expressed a desire to secure financing for the new hotel before paying off the loan.

No speaker slips were submitted.

City Council spoke about the community's desire to have the existing hotel demolished; how the demolition shows the community that the project is proceeding, and strongly encouraged the owner to move forward with the demolition as quickly as possible.

MS. ROLFE stated concurrent processes are taking place; the Coastal Commission is reviewing the CCNRs, a precondition to the demolition of the existing hotel, and Pacifica staff will continue to secure funding for the new hotel.

MAYOR JANNEY requested the project schedule be submitted prior to City Council meetings and implored Pacifica to move forward with the demolition soon.

CITY MANAGER BROWN reported street improvements to Seacoast Drive may be delayed due to the delay in the demolition of the existing hotel and construction of the new hotel.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:02 p.m.

6.2 RESOLUTION NO. 2010-6891 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101). (0920-40)

A revised Resolution No. 2010-6891 was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced and reported on the item.

WILLIAM TOTH submitted information for City Council's review and requested City Council postpone the rebid until they review the information he submitted.

Discussion ensued regarding Mr. Toth's opportunity to resubmit a bid.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6891 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101) AND TO DIRECT STAFF TO REBID THIS PROJECT AS SOON AS POSSIBLE MAKING NECESSARY MODIFICATIONS IN THE BID SPECIFICATIONS THAT WILL CLEAR UP BIDDER MISUNDERSTANDINGS. MOTION CARRIED UNANIMOUSLY.

6.3 REQUEST FOR AD HOC COMMITTEE – PORT COMMISSIONER APPOINTMENT PROCESS. (0410-50).

MAYOR JANNEY recommended Councilmember Rose and himself as the two (2) Councilmembers to serve on the ad hoc committee for the purpose of creating the application and questions for the Port Commissioner appointment process.

No speaker slips were submitted.

MOTION BY JANNEY, SECOND BY BRAGG, TO APPROVE MAYOR JANNEY'S RECOMMENDATIONS OF COUNCILMEMBER ROSE AND HIMSELF AS THE TWO (2) COUNCILMEMBERS TO SERVE ON THE AD HOC COMMITTEE FOR THE PURPOSE OF CREATING THE APPLICATION AND QUESTIONS FOR THE PORT COMMISSIONER APPOINTMENT PROCESS AND TO HAVE THE AD HOC COMMITTEE BE DISSOLVED AFTER INTERVIEW QUESTIONS AND APPLICATION ARE DESIGNED, APPROXIMATELY BY JULY 1, 2010. MOTION CARRIED UNANIMOUSLY.

6.4 REQUEST FOR AD HOC COMMITTEE – SAND REPLENISHMENT PROJECTS (0410-50)

MAYOR JANNEY recommended Mayor Pro Tem King and himself as the two (2) Councilmembers to serve on the ad hoc committee for the purpose of developing and identifying potential funding opportunities for sand replenishment projects.

No speaker slips were submitted.

MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE MAYOR JANNEY'S RECOMMENDATIONS OF MAYOR PRO TEM KING AND HIMSELF AS THE TWO (2) COUNCILMEMBERS TO SERVE ON THE AD HOC COMMITTEE FOR THE PURPOSE OF DEVELOPING AND IDENTIFYING POTENTIAL FUNDING OPPORTUNITIES FOR SAND REPLENISHMENT PROJECTS AND TO HAVE THE AD HOC COMMITTEE BE DISSOLVED NO LATER THAN DECEMBER 31, 2010. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. R-10-220 – AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH HITZKE DEVELOPMENT CORPORATION FOR THE AMERICAN LEGION AFFORDABLE HOUSING PROJECT AT 1268 PALM AVENUE AND TO NEGOTIATE AN OWNER PARTICIPATION AGREEMENT. (0640-20)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

No speaker slips were submitted.

City Council spoke positively about the design of the project and how the project adds needed housing to the community.

GINGER HITZKE responded to Council's questions regarding project costs and the estimated project start and completion dates.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-220 – AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH THE HITZKE DEVELOPMENT CORPORATION AND TO NEGOTIATE AN OWNER PARTICIPATION AGREEMENT. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:19 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk